

TRANSLATION

PATENT COOPERATION TREATY

PCT

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

(Chapter II of the Patent Cooperation Treaty)

(PCT Article 36 and Rule 70)

Applicant's or agent's file reference K-260 PCT	FOR FURTHER ACTION	See Form PCT/IPEA/416
International application No. PCT/DE2004/002547	International filing date (<i>day/month/year</i>) 19.11.2004	Priority date (<i>day/month/year</i>) 08.12.2003
International Patent Classification (IPC) or national classification and IPC G01N29/06, G01N29/22, G01S7/52		
Applicant AGFA NDT GMBH		

1. This report is the international preliminary examination report, established by this International Preliminary Examining Authority under Article 35 and transmitted to the applicant according to Article 36.
2. This REPORT consists of a total of <u>7</u> sheets, including this cover sheet.
3. This report is also accompanied by ANNEXES, comprising: a. <input type="checkbox"/> (sent to the applicant and to the International Bureau) a total of _____ sheets, as follows: <input type="checkbox"/> sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications authorized by this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions). <input type="checkbox"/> sheets which supersede earlier sheets, but which this Authority considers contain an amendment that goes beyond the disclosure in the international application as filed, as indicated in item 4 of Box No. I and the Supplemental Box. b. <input type="checkbox"/> (sent to the International Bureau only) a total of (indicate type and number of electronic carrier(s)) _____, containing a sequence listing and/or tables related thereto, in computer readable form only, as indicated in the Supplemental Box Relating to Sequence Listing (see Section 802 of the Administrative Instructions).
4. This report contains indications relating to the following items: <input checked="" type="checkbox"/> Box No. I Basis of the report <input type="checkbox"/> Box No. II Priority <input type="checkbox"/> Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability <input type="checkbox"/> Box No. IV Lack of unity of invention <input checked="" type="checkbox"/> Box No. V Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement <input type="checkbox"/> Box No. VI Certain documents cited <input type="checkbox"/> Box No. VII Certain defects in the international application <input type="checkbox"/> Box No. VIII Certain observations on the international application

Date of submission of the demand	Date of completion of this report
Name and mailing address of the IPEA/EP	Authorized officer
Facsimile No.	Telephone No.

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International application No.

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Box No. I Basis of the report

1. With regard to the **language**, this report is based on the international application in the language in which it was filed, unless otherwise indicated under this item.
- ☐ This report is based on translations from the original language into the following language _____, which is the language of a translation furnished for the purposes of:
- ☐ international search (Rule 12.3 and 23.1(b))
- ☐ publication of the international application (Rule 12.4)
- ☐ international preliminary examination (Rule 55.2 and/or 55.3)
2. With regard to the **elements** of the international application, this report is based on *(replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report)*:
- ☐ the international application as originally filed/furnished
- ☒ the description:
- pages 1-15 _____ as originally filed/furnished
- pages* _____ received by this Authority on _____
- pages* _____ received by this Authority on _____
- ☒ the claims:
- nos. 1-11 _____ as originally filed/furnished
- nos.* _____ as amended (together with any statement) under Article 19
- nos.* _____ received by this Authority on _____
- nos.* _____ received by this Authority on _____
- ☒ the drawings:
- sheets 1/2-2/2 _____ as originally filed/furnished
- sheets* _____ received by this Authority on _____
- sheets* _____ received by this Authority on _____
- ☐ a sequence listing and/or any related table(s) – see Supplemental Box Relating to Sequence Listing.
3. ☐ The amendments have resulted in the cancellation of:
- ☐ the description, pages _____
- ☐ the claims, nos. _____
- ☐ the drawings, sheets/figs _____
- ☐ the sequence listing (*specify*): _____
- ☐ any table(s) related to sequence listing (*specify*): _____
4. ☐ This report has been established as if (some of) the amendments annexed to this report and listed below had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).
- ☐ the description, pages _____
- ☐ the claims, nos. _____
- ☐ the drawings, sheets/figs _____
- ☐ the sequence listing (*specify*): _____
- ☐ any table(s) related to sequence listing (*specify*): _____

* If item 4 applies, some or all of those sheets may be marked "superseded."

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International application No.

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Box No. V	Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement		
1.	Statement		
	Novelty (N)	Claims	YES
		Claims 1-11	NO
	Inventive step (IS)	Claims	YES
		Claims 1-11	NO
	Industrial applicability (IA)	Claims 1-11	YES
		Claims	NO
2.	Citations and explanations (Rule 70.7)		
1.	<p>Cited documents</p> <p>This report makes reference to the following documents:</p> <p>D1: DEUTSCH V ET AL: "ULTRASCHALLPRUEFUNG: GRUNDLAGEN UND INDUSTRIELLE ANWENDUNGEN" 1997, SPRINGER VERLAG, BERLIN HEIDELBERG, XP002322577 ISBN: 3-540-62072-9</p> <p>D2: AGFANDT: "Product Sheet: K-Scan Data Acquisition and Motion Control Software" March 2002 (2002-03), page 1, XP002322576 found on the internet: URL: http://www.geinspectionstechnologies.com/aboutus/ProductLiterature/index.html [found on 2005-03-30]</p> <p>D3: US-B1-6 301 512 (MOTZER WILLIAM P) 9 October 2001 (2001-10-09)</p>		
2.	<p>Novelty and inventive step (PCT Article 33(2) and (3))</p> <p>Claim 1:</p>		

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	<p>Claim 1 does not appear to meet the requirements of PCT Article 33(3) with regard to inventive step for the following reasons:</p> <p>D1 discloses a device (figure 3.16, figure 3.29, D1) for the preparation, execution and evaluation of nondestructive testing, said device having one or more suitable test apparatuses of any type (figure 3.16, figure 3.34, D1), said device having</p> <ul style="list-style-type: none">a) an input device (second paragraph, page 64, D1),b) an output device (figure 3.16, figure 3.29 and second paragraph, page 65, D1),c) a data storage unit (second paragraph, page 64, D1),d) a data-processing unit ("microprocessor", first paragraph, page 64, D1),e) an interface for the connection of the respective test apparatus, via which interface data can be transmitted in both directions (second paragraph, page 68, D1),f) a standardized data-processing program with which<ul style="list-style-type: none">- a test object (26) can be defined by the input of data or selected from the data storage unit (third paragraph, page 214 to first paragraph, page 215, D1),- various test regions of a test object can be determined (third paragraph, page 214 to first paragraph, page 215, D1),- at least one particular test apparatus can be selected from a group of test apparatuses

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	<p>(second paragraph, page 217, D1) and allocated to a test region, all the relevant properties of the test apparatus (20) being stored in the data storage unit (figure 3.30b and second paragraph, page 64, D1),</p> <ul style="list-style-type: none">- test-relevant settings can be set for the selected apparatus (figure 3.30b and second paragraph, page 64, D1),- the type of visualization and evaluation of measured test values can be selected (last paragraph, page 62 to first paragraph, page 64, D1),- obtained test results can be archived and stored (second paragraph, page 64, D1),- test flow charts (second paragraph, page 217, D1) can be created, wherein, when the respective test apparatus is connected, all the predetermined settings are transferred to this test apparatus (figure 3.30b and second paragraph, page 64, D1) so that this test apparatus is preset for testing. <p>Claim 1 is not novel or at least not inventive for this reason.</p> <p>The combination of known functional features of nondestructive test methods in a data-processing program is regarded as trivial (see also D2).</p> <p>Claim 9:</p> <p>The aforementioned objections with regard to claim 1 also appear to apply, <i>mutatis mutandis</i>, to the</p>

Box No. V	Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
	<p>corresponding method claim, claim 9.</p> <p>In particular, in the case that the selection of suitable test apparatuses involves test apparatuses based on different physical principles of nondestructive testing, this selection is obvious in light of the list of properties and the advantages and disadvantages in tables 8.1 to 8.3, pages 336-340, D1.</p> <p>For this reason, claim 9 is not novel or at least not inventive.</p> <p>Dependent claims:</p> <p>Dependent claims 2 to 8 and 10 and 11 do not appear to have any features which, in combination with claim 1 and claim 9, respectively, meet the PCT requirements for novelty and inventive step. These claims describe features that are either known from D1 or are obvious.</p> <p>Moreover, some of the dependent claims appear to relate merely to the normal interaction between a computer and a data-processing program, and do not have any technical character (see PCT Guidelines III-A9.15[2]). Features which do not appear to be patentable (PCT Guidelines III-A9.15[2]) include: plugin representation (claims 3 and 4), windows desktop (claim 6), scroll function (claim 7).</p> <p>The same objections with regard to the novelty and inventiveness of claims 1 to 11 could also have been raised on the basis of D3.</p>

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3.	<p>Clarity (PCT Article 6)</p> <p>Some of the features in device claim 1 are the functional features of a data-processing program. Contrary to PCT Article 6, the intended limitations of the device in claim 1 are therefore not clear from the claim.</p>
4.	<p>Further observations</p> <p>a. The description does not indicate the relevant prior art disclosed in D1 (PCT Rule 5.1(a)(ii)).</p> <p>b. Independent claims 1 and 9 have not been drafted in the two-part form under PCT Rule 6.3(b).</p>